

GRANT OF PEDESTRIAN ACCESS EASEMENT

O'Reilly Auto Enterprises, LLC, a Delaware limited liability company, Grantor, whose mailing address is 233 S. Patterson, Springfield, Missouri, 65802, is the fee simple owner of the real property located in Mesa County, Colorado and described in the attached Exhibit A, which is incorporated herein by this reference. For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a perpetual easement for the use and benefit of the Grantee and of the public as a perpetual easement for pedestrian access, ingress and egress, including but not limited to installation, maintenance, repair, improvement, replacement and enhancement of related improvements such as a sidewalk, on, along, over, under, through and across the parcel of land described in the attached Exhibit B, and depicted in the attached Exhibit C, which exhibits are incorporated herein by this reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

The interest conveyed is an easement for the limited purposes and uses and upon the terms stated herein. Grantor reserves the right to use and occupy the real property burdened by this easement for any lawful purpose which is not inconsistent with and which will not unreasonably interfere with the full use and quiet enjoyment of the rights herein granted. Except as expressly permitted in an approved plan or other written agreement with the City, Grantor will not install on or in the easements, or permit the installation on or in the easements, of any building, structure, improvement, retaining wall, fence, patio, obstruction, tree or other landscaping, other than the usual and customary grasses and other ground cover. In the event such obstacles are installed in the easement, the City has the right to require the Grantor to remove such obstacles from the easement at Grantor's expense. If Grantor does not remove such obstacles, the City may remove such obstacles without any liability or obligation for repair and replacement thereof, and charge the owner of the Property the City's costs for such removal. If the City chooses not to remove the obstacles, the City will not be liable for any damage to the obstacles or any other property to which they are attached.

Grantor hereby covenants with Grantee it has good title to the described premises; that it has good and lawful right to grant this easement; that it will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this 24th day of January, 2017.

GRANTOR:


By: _____
Scott Kraus, Senior Vice President of Ozark Services, Inc., sole member of O'Reilly Auto Enterprises, LLC

State of Missouri)
)ss.
County of Greene

The foregoing instrument was acknowledged before me this 24th day of January, 2017, by Scott Kraus, Senior Vice President of Ozark Services, Inc., sole member of O'Reilly Auto Enterprises, LLC.

My commission expires 4/25/18
Witness my hand and official seal.


ELIZABETH A. DUGGER
Notary Public, State of Missouri
Christian County
Commission #14398753
My Commission Expires June 25, 2018

Notary Public

EXHIBIT A

Part of Lot 4 and part of Lot 5, Fisher Subdivision, Mesa County, Colorado, more particularly described as follows:

Beginning at the NE Corner of said Lot 5; thence N00°09'17"E along the East Line of Lot 4, 157.89 feet; thence S89°59'40"W, 233.73 feet to the Westerly Line of said Lot 4 and the beginning of a 550.00 foot radius curve to the right, the central angle of which is 17°13'46"; thence along the arc of said curve 165.39 feet to the NW Corner of said Lot 5; thence S08°00'20"E along the West Line of said Lot 5, 22.11 feet; thence N89°59'40"E, 183.05 feet to the East Line of said Lot 5; thence N00°09'17"E, 21.89 feet to the point of beginning,

Excepting therefrom, that portion conveyed to the City of Grand Junction in the Deed recorded December 1, 1980 in Book 1286 at Page 800,

County of Mesa, State of Colorado.

NOTE: The above legal description was provided by Tait, ALTA /ACSM Land Title Survey dated September 25, 2015 and revised October 14, 2015, Job No. OA10460

EXHIBIT B

AN 8.00 FOOT WIDE PEDESTRIAN ACCESS EASEMENT

Situated in a part of Lot 4, Fisher Subdivision, Mesa County, Colorado, more particularly described as follows:

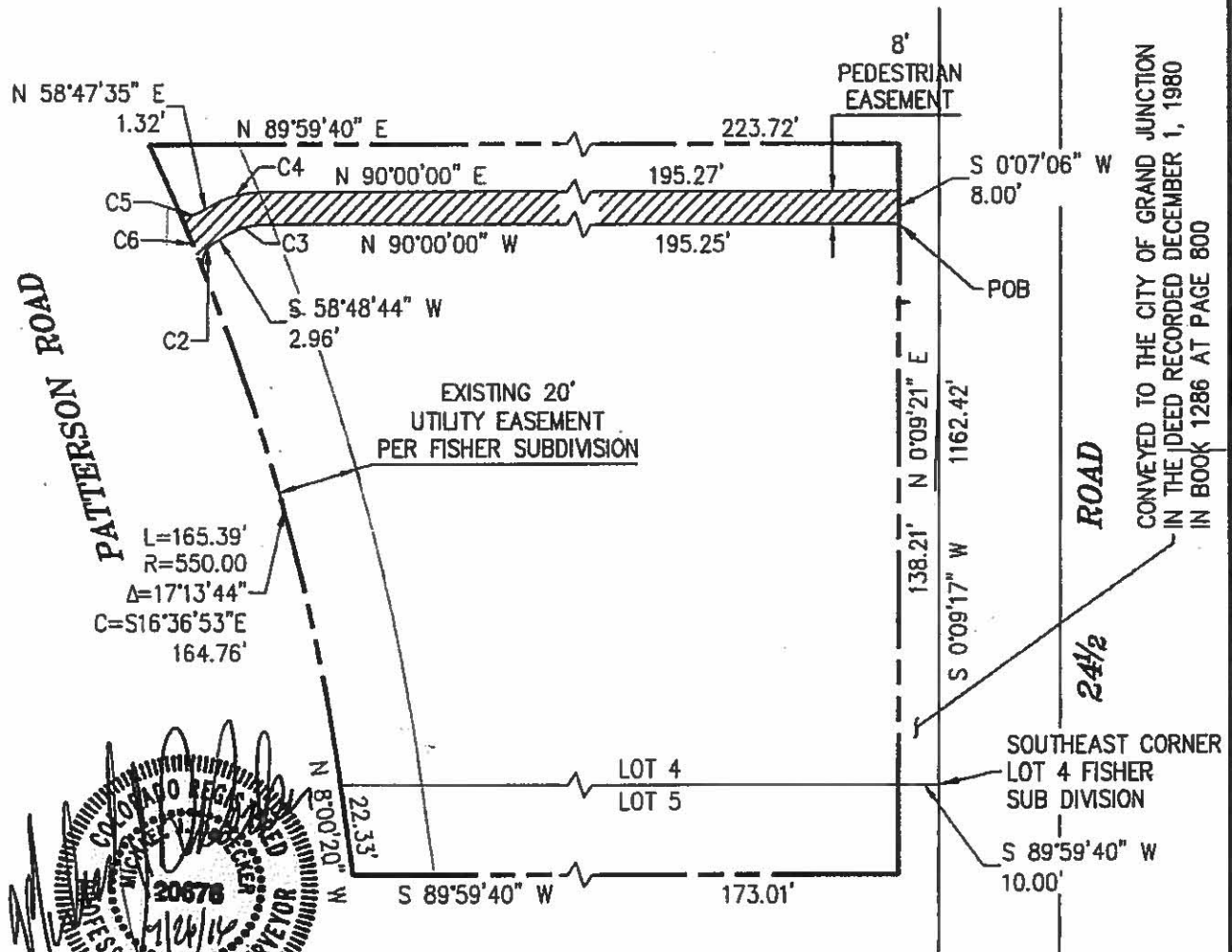
Assuming the Easterly line of said Lot 4 as bearing North $00^{\circ}09'17''$ East according to the Final plat of Fisher Subdivision as recorded May 16, 1979 at reception number 1191875 in Plat Book 12, Page 161 of Mesa County, Colorado records, with all bearings contained herein relative thereto.

Commencing at the Southeast Corner of said Lot 4; thence South $89^{\circ}59'40''$ West along the South Line of said Lot 45, a distance of 10.00 feet to a point on the Westerly line of that certain parcel of land as conveyed to the City of Grand Junction in the Deed recorded December 1, 1980 in Book 1286 at Page 800; thence North $00^{\circ}09'17''$ East, along said Westerly line, a distance of 138.21 feet, to the Point of Beginning for this Easement; thence North $90^{\circ}00'00''$ West, a distance of 195.25 feet to the beginning of a tangent curve to the left; thence along the arc of said curve to the left, having a central angle of $31^{\circ}12'25''$ and a radius of 19.00 feet, an arc distance of 10.35 feet, the chord of said curve bears South $74^{\circ}23'48''$ West, a distance of 10.22 feet; thence South $58^{\circ}48'44''$ West, a distance of 2.96 feet to the beginning of a tangent curve to the Left; thence along the arc of said curve to the left, having a central angle of $80^{\circ}28'34''$ and a radius of 6.00 feet, an arc distance of 8.43 feet, the chord of said curve bears South $18^{\circ}34'27''$ West a distance of 7.75 feet to a point on the Westerly line of said Lot 4; thence along said Westerly line along the arc of a non-tangent curve to the Left, having a central angle of $01^{\circ}35'09''$, and a radius of 545.02 feet, an arc distance of 15.09 feet, the chord of said curve bears North $22^{\circ}26'36''$ West a distance of 15.09 feet; thence departing said Westerly line, along the arc of a non-tangent curve having a central angle of $39^{\circ}53'13''$ and a radius of 8.21 feet, an arc distance of 5.71 feet, the chord of said curve bears North $78^{\circ}44'56''$ East a distance of 5.69 feet; thence North $58^{\circ}47'35''$ East, a distance of 1.32 feet, to the beginning of a tangent curve to to the right; thence along the arc of said curve to the right, having a central angle of $31^{\circ}12'25''$ and a radius of 27.00 feet, an arc distance of 14.71 feet, the chord of said curve bears North $74^{\circ}23'48''$ East a distance of 14.52 feet; thence North $90^{\circ}00'00''$ East, a distance of 195.27 feet, to a point on the Westerly line of said parcel as described in Book 1286 Page 800; thence South $00^{\circ}09'17''$ West, along said Westerly line, a distance of 8.00 feet to the Point of Beginning.

Containing 1,730 square feet more or less.

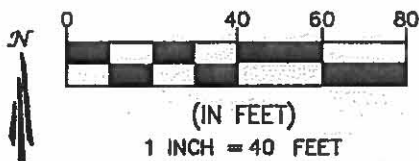
Prepared August 18, 2016
by Michael J. DeDecker PLS
For and on behalf of
Tait and Associates
6163 E. County Road 16
Loveland, Colorado 80537

EXHIBIT C



CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD LENGTH
C2	58° 47' 35"	8.16	8.00	S 28°23'42" W	5.89
C3	31° 12' 25"	10.35	19.00	S 74°23'48" W	10.22
C4	31° 12' 25"	14.71	27.00	N 74°23'48" E	14.52
C5	38° 51' 37"	5.71	8.21	N 78°43'24" E	5.58
C6	1° 35' 11"	15.09	545.02	N 22°27'24" W	15.09

EXHIBIT "B"
8' PEDESTRIAN EASEMENT:
 A PORTION OF LOT 4, FISHER SUBDIVISION,
 LOCATED IN THE SOUTHWEST QUARTER OF
 SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 WEST
 OF THE UTE MERIDIAN, CITY OF GRAND
 JUNCTION, COUNTY OF MESA, STATE OF
 COLORADO



DRAWN: CBG
 DATE: 7/22/2018
 CHECKED:
 DATE:
 REVISION R:
 DATE:
 JOB NO: 0416480

EXHIBIT B - PEDESTRIAN EASEMENT

GRAND JUNCTION 2 (GJ2)
 O'REILLY AUTO PARTS
 2442 PATTERSON RD
 GRAND JUNCTION, CO 81505

TAIT
 201 S. Lamar County Road 14
 Loveland, CO 80537
 P: 970.473.1447 F: 970.473.1487
 www.tait.com

Los Angeles Denver Salt Lake City
 San Francisco Phoenix Portland
 Seattle